

FILED

APR 13 2017


CLERK

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA

_____ DIVISION

Nathan Dobney _____)

_____)

_____)

_____)

(Enter the full name of the Plaintiff[s] in this action))

vs.)

Deputy Michael Smith _____)

Officer Anthony Klunder _____)

County of Clay _____)

City of Vermillion _____)

(Enter the full name of ALL Defendant[s] in this)
action. Fed. R. Civ. P. 10(a) requires that the)
caption of the complaint include the names of all)
the parties. Merely listing one party and "et al." is)
insufficient. Please attach additional sheets if)
necessary.))

Case No. 17 - 4050

(To be assigned by
Clerk of District Court)

COMPLAINT

- I. State the grounds for filing this case in Federal Court (include federal statutes and/or U.S. Constitution provisions, if you know them. Fed. R. Civ. P. 8(a)(1) requires a short and plain statement of the grounds for the court's jurisdiction.):

Wrongful Arrest; Violation of 4th and 14th amendments,
42 U.S.C. 1983, violation of rehabilitation Act section 504
violation of ADA Title II, Discrimination, False Accusation

II. Plaintiff, Nathan Dobney resides at

1024 W Clark
(street address)

Vermillion, Clay,
(city) (county)

SD, 57068, 605-653-0767
(state) (zip) (telephone number)

(If more than one plaintiff, provide the same information for each plaintiff below)

III. Defendant, Michael Smith resides at, or its business is located at

15 Washington street
(street address)

Vermillion, Clay,
(city) (county)

SD, 57068, 605-670-7070
(state) (zip) (telephone number)

(If more than one defendant, provide the same information for each defendant below)

<u>Officer Anthony Klunder</u>	<u>15 Washington street</u>
	<u>Vermillion, Clay</u>
	<u>SD, 57068 605-670-7070</u>
<u>Clay County</u>	<u>211 W Main Street #300</u>
	<u>Vermillion, Clay</u>
	<u>SD, 57068 605-677-6755</u>
<u>City of Vermillion</u>	<u>25 center street</u>
	<u>Vermillion, Clay</u>
	<u>SD, 57068 605-677-7050</u>

- IV. Statement of claim (State as briefly as possible the facts of your case. Describe how each defendant is involved. You must state exactly what each defendant personally did, or failed to do, which resulted in harm to you. Include also the names of other persons involved, dates, and places. Be as specific as possible. You may use additional paper if necessary):

On October 19th 2016 I was driving home from work when Deputy Michael Smith pulled me over at about 2:30 a.m. He gave me a breath test which I blew 0. He then gave me a field sobriety test which he said I failed and arrested me. I was taken to jail where I had to submit to a urine test then had to do another Field test for officer Anthony Klunder which he concluded I was under the influence of marijuana. My urine test came back negative for everything except adderall which I had a prescription for, and I use it for work. Both officer and Deputy were aware of the fact I had ADD as I showed them my prescription bottle. However ~~both~~ both officer and deputy failed to provide any accommodations for me, and failed to take that into consideration. As a result both misinterpreted my ADD as a DUI. The field sobriety test is the same type of test that is used to diagnosis ADD (dual attention) Furthermore they actually used my prescription as evidence I was on illegal drugs and falsely accused me of being on marijuana. There was no probable cause to believe I was on any illegal drugs. Had the two policemen been properly train or had simply made basic accommodations like taking the fact that I have ADD into account at the very least I would not have been wrongly arrested. Deputy Michael Smith works for Clay County, and Officer Anthony Klunder works for the city of Vermillion police department.

- V. Relief (State briefly and exactly what you want the Court to do for you.)

I would like monetary compensation this is not the first time something like this has happened. In fact I have made complaints in writing to the Vermillion police department. This is harassment not only for individuals like myself, but for anyone driving for any reason around 2 a.m. in the morning. I would also like the departments for these two individuals retrain their entire staffs especially in terms of awareness of the ADA, rehabilitation Act, and civil rights.

VI. **MONEY DAMAGES:**

A) Do you claim either actual or punitive monetary damages for the acts alleged in this complaint?

YES [☒]

NO [☐]

B) If your answer to "A" is YES, state below the amount claimed and the reason[s] you believe you are entitled to recover such monetary damages:

<u>Legal fees</u>	
<u>court related cost</u>	
<u>Work Time off</u>	
<u>other related</u>	<u>\$10,000</u>
<u>punitive Damages</u>	<u>\$ 2,000,000</u>

VII. Do you maintain that the wrongs alleged in the complaint are continuing to occur at the present time?

YES [☒]

NO [☐]


VIII. Are you requesting a Jury Trial?

YES [☐]

NO [☒]

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 13 day of April, 2017



Signature of Plaintiff[s]